

Notice of Allowability

Application No.

10/749,683

Examiner

William K Cheung

Applicant(s)

DDAMULIRA ET AL.

Art Unit

1713

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☒ The drawings filed on 30 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. In view of amendment filed September 30, 2004, add new claims 26-34 have been added. Claims 1-34 are pending.
2. In view of Terminal Disclaimer filed September 30, 2004, the rejection of Claims 1-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,706,789 is withdrawn.
3. In view of argument filed September 30, 2004, the rejection of claims 1-23 under 35 U.S.C. 112, second paragraph, is withdrawn.

Allowances

4. Claims 1-34 are allowed.
5. The following is an examiner's statement of reasons for allowance:

As of the date of this office action, the examiner has not located or identified any reference that can be used singularly or in combination with another reference including

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the closest prior art of Huber et al. (US 4,562,225) to render the present invention anticipated or obvious to one of ordinary skill in the art.

*The invention of claims 1-34 relates to an **adhesive composition** comprising: the combination produced by combining effective amounts and proportions of an **oil component**; a **hydrocarbon resin component**; a **fugitive alkali agent component**; a **fugitive anti-oxidant component**; and a **cross linking agent component**, to provide an adhesive that can be applied to a substrate and which will cure on the substrate.*

Applicants (page 7, Table I, item 8) define "fugitive alkali agents" as ammonia, monomethanol amine (MEA) and triethanol amine (TEA).

Applicants (page 7, Table 1, item 7) define "fugitive anti-oxidants" as oximes (such as methyl ethyl ketoxime), bactericides, fungicides, and freeze-thaw stabilizers.

Applicants (page 6, Table 1, item 1) defines "a drying oil component" as linseed oil, Tung oil, sunflower oil, cashew shell oil, castor oil, coconut oil, cotton seed oil, fish oil, Oiticica oil, rapeseed oil, safflower oil, walnut oil, synthetic drying oils, tall oil, fatty acids, or any blend of thereof.

Applicants (page 6, Table 1, item 2-3) define hydrocarbon resins as C-5 and C-9 resins.

The closest prior art Huber et al. (abstract; col. 1, line 5-23) discloses a thermosetting adhesive composition comprising 5 to 30 weight percent of polyoxazoleine, reactive diluents (crosslinking agents) (col. 5, line 5), dimeric fatty acids (col. 5, line 10), and triphenylphosphite antioxidants (col. 5, line 60). However, Huber et al. are silent on a thermosetting adhesive composition comprising a drying oil component, a fugitive alkali agent, or a fugitive antioxidant as defined by applicants' specification. Therefore, it would not be apparent to one of ordinary skill in art to use the adhesive composition teachings in Huber et al. to obtain the adhesive composition invention of claims 1-34. Therefore, claims 1-34 are allowed.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number is (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William K. Cheung
Primary Patent Examiner

November 7, 2004

WILLIAM K. CHEUNG
PRIMARY EXAMINER